

1-9-06

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

IPa

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/706,321
Filing Date	November 12, 2003
First Named Inventor	Wandell
Art Unit	1743
Examiner Name	Jeffrey R. Snay

Attorney Docket Number

006405.00029

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO Form SB/08a&b Certificate of Mailing Copies of 11 Non-Patent Literature References and 3 Foreign Patent Documents International Search Report
--	--	---

Remarks The Commissioner is hereby authorized to charge any fees or credit any overpayment in connection with this correspondence to Deposit Account No. 19-0733.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Allen E. Hoover		
Date	January 6, 2006	Reg. No.	37,354

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 006405.00029)

U.S. Patent Application of)
Wandell)
Application No.: 10/706,321)
Filed: November 12, 2003) Group Art Unit: 1743
For: QUANTITATIVE ANALYSIS)
OF A BIOLOGICAL SAMPLE) Examiner: Jeffrey R. Snay
OF UNKNOWN QUANTITY)
)

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 CFR §§1.56, 1.97 and 1.98, enclosed are Forms PTO/SB/08A and B (substitute for form PTO-1449/A/PTO), submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references cited in the enclosed form in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08A, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Forms PTO/SB/08A and B is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- X** **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR §1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR §1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR §1.114.
- **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR §1.113, a Notice of Allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- The statement under 37 CFR §1.97(e) (see “statement under 37 CFR §1.97(e)” below).
- or*
- the fee of \$180 set forth in 37 CFR §1.17(p) (see “Fees” below).
- **after** the mailing date of a final action under 37 CFR §1.113 or a Notice of Allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR §1.97(e) (see “Statement under 37 CFR §1.97(e)” below), and the fee of \$180 as set forth in 37 CFR §1.17(p) (see “Fees” below).
- **after** the mailing date of a Notice of Allowance under 37 CFR §1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR §1.704(d) (see “Statement under 37 CFR §1.704(d)” below), and the fee of \$180 as set forth in 37 CFR §1.17(p) (see “Fees” below).

Copies of the References

- X** Copies of the non-patent literature references and foreign patent documents listed on the enclosed Form PTO/SB/08A and B are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR §1.98(a)(3).
- X** A copy of the foreign search report is enclosed herewith.
- The references listed on the enclosed Form PTO/SB/08A and B were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate

copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR §1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC §120 in which copies of the references were previously furnished are set out below:

Statement under 37 CFR §1.97(e)

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR §1.704(d)

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- No fee is owed by the applicant(s).
- The **IDS Fee of \$180** under 37 CFR §1.17(p) is enclosed herewith.

Method of Payment of Fees

- Attached is a check in the amount\$
- Charge Deposit Account No. 19-0733 in the amount of \$180

Authorization to Charge Additional Fees

- If any additional fees are owed in connection with this communication, please charge Deposit Account No. 19-0733.

Instructions as to Overpayment

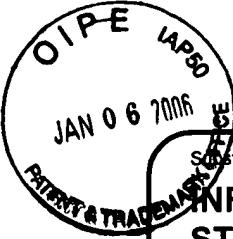
- Deposit Account No. 19-0733.
- Refund

Respectfully submitted,

Date: January 6, 2006

By: 

Allen E. Hoover,
Registration No. 37,354
Banner & Witcoff, Ltd
10 S Wacker Drive
Suite 3000
Chicago, Illinois 60606
Tel: (312) 463-5000
Fax: (312) 463-5001



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

~~Substitute for form 1449A/PTO~~

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

She

of

<i>Complete if Known</i>	
Application Number	10/706,321
Filing Date	November 12, 2003
First Named Inventor	Michael Wandell
Group Art Unit	1743
Examiner Name	Jeffrey R. Snay
Attorney Docket Number	006405.00029

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/706,321
Sheet	2	of	2	Filing Date	November 12, 2003
				First Named Inventor	Michael Wandell
				Group Art Unit	1743
				Examiner Name	Jeffrey R. Snay
				Attorney Docket Number	006405.00029

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
		FELIX WROBLEWSKI and JOHN S. LADUE; Serum Glutamic Pyruvate Transaminase in Cardiac and Hepatic Disease; Proceedings of the Society for Experimental Biology and Medicine; January – April, 1956, Volume 91, New York		
		MICHAEL McGOWAN, JOSEPH D. ARTISS, DONALD R. STRANDBERGH, and BENNIE ZAK; A peroxidase-Coupled Method for the Colorimetric Determination of Serum Triglycerides; Journal of the American Association for Clinical Chemistry; Volume 29, Number 1, January 1983		
		CHARLES C. ALLAIN, LUCY S. POON, CICELY S.G. CHAN, W. RICHMOND, AND PAUL C. FU; Enzymatic Determination of Total Serum Cholesterol; Clinical Chemistry, Volume 20, No. 4, 1974		
		CALLUM G. FRASER, STEVEN T. CUMMINGS, STEPHEN P. WILKINSON, RONALD G. NEVILLE, JAMES D. E. KNOX, OLGA HO, and RONALD S. MacWalter; Biological Variability of 26 Clinical Chemistry Analytes in Elderly People; Clinical Chemistry, Volume 35, No. 5, 1989		
		M.D. PENNEY and G. WALTERS; Are osmolality measurements clinically useful?; Journals of Clinical Biochemistry; Volume 24, Part 6, November 1987		
		BRADLEY P. CARLIN and THOMAS A. LOUIS; Bayes and Empirical Bayes Methods for Data Analysis; Texts in Statistical Science, 2000, Pages 17 – 46, Second Edition,		
		NADER RIFAI and G. RUSSELL WARNICK; Laboratory Measurement of Lipids, Lipoproteins and Apolipoproteins; American Association of Clinical Chemistry, 1994, Pages 65 – 107		
		RAVEL, RICHARD; Clinical Laboratory Medicine; Sixth Edition, 1995, Pages 171-172, 405-413 and 417-420		
		ERHARDT, JUERGEN G et al.; Combined measurement of retinol and soluble transferring receptor (sTfR) in a single dried blood spot (DBS) stored at room temperature; Faseb Journal; vol. 16, no. 4, March 20, 2002, pages A247-A248, XP009019440; Annual Meeting of the Professional Research Scientists on Experimental Biology; New Orleans, Louisiana, USA; April 20-24, 2002		
		ERHARDT, JUERGEN G et al.; Rapid and Simple Measurement of Retinol in Human Dried Whole Blood Spots; Journal of Nutrition; vol. 132, no. 2, February 2002; pages 318-321, XP002258787		
		O'BRIEN J M et al.; Detection of Hepatitis C Antibody with At-Home Collection Kits Using an Innovative Laboratory Algorithm; Infectious Diseases in Clinical Practice; 2001 USA; vol. 10, no. 9, pages 474-480; XP00115589		

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

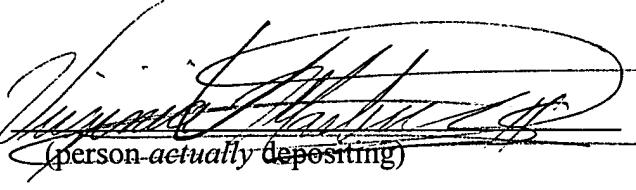


CERTIFICATE OF MAILING BY EXPRESS MAIL
(PATENT APPLICATION)

Express Mail No. EL 406112451 US

Deposited January 6, 2006

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: 

(person actually depositing)

Application of: Wandell

Application No.: 10/706,321

Filing Date: November 12, 2003

Title: QUANTITATIVE ANALYSIS OF A BIOLOGICAL SAMPLE OF UNKNOWN QUANTITY

- Transmittal Form
- Information Disclosure Statement
- Form PTO/SB/08A&B
- 11 Non-Patent Literature References and 3 Foreign Patent Documents
- Return Receipt Postcard

Attorney Docket No: 006405.00029